

Remarks/Arguments

Claims 1-6, 8-11, and 13-17 are pending in the present application, claims 7 and 12 having been cancelled by a previous amendment.

Applicants respectfully traverse the rejection of claims 1-6, 8-11, and 13-17 as anticipated or obvious over one or more of *Sailors* U.S. 3,627,176 and *Privas* U.S. 5,417,258.

In order for a claim to be anticipated under 35 U.S.C. § 102(b), a single prior art reference must show all of the recited limitations arranged or combined in the same way as recited in the claim. *Net Money, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). To support a *prima facie* case of obviousness under 35 U.S.C. § 103(a), an examiner must establish “a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* 72 Fed. Reg. 57,526 (Oct. 10, 2007). In this case the rejection of claims 1 and 13, and claims 2-6, 8-11, and 14-17 dependent thereon, is incorrect because neither *Sailors* nor *Privas* show all of the recited limitations.

Claim 1 recites a dispenser “having solenoid valve means enclosed in a metallic locking cover means . . . arranged to intensify a magnetic field . . . wherein the metallic locking cover means comprises a metallic hood and a metallic base, and wherein the metallic hood engages the metallic base to lock the metallic locking cover means.” Claim 13 recites a dispenser “having a solenoid valve means enclosed in a metallic locking cover means . . . the metallic locking cover means having a metallic base and a metallic hood complimentary to one another such that the metallic base can engage the metallic hood to lock the metallic locking cover means . . . and the metallic locking cover means being arranged to intensify a magnetic field” Neither *Sailors* nor *Privas* show a solenoid valve means enclosed in a metallic locking cover means, wherein the metallic locking cover means is comprised of a metallic hood and metallic base and is arranged to intensify a magnetic field.

Rather, *Privas* shows a device for spraying a fluid, wherein the device includes an actuator head 1 affixed to a tank 100 of fluid (see FIG. 22). Referring to FIGS. 27 and 28, the actuator head 1 includes a hook 107 that engages a loop 106 disposed on a top portion of the tank

100. A solenoid 13 has a soft iron core armature 12 connected to a non-magnetic rod 14 that actuates a pump 6 via a pushbutton 10 having a nozzle 11, and which is mounted on an actuator rod 9 (see FIG. 2). While Privas discloses a cover for a solenoid actuated spray valve, Privas fails to disclose or suggest a metallic cover that is capable of intensifying a magnetic field.

Sailors shows an automatic spray dispenser 10, which includes a timer circuit 74 (*see also* FIG. 4) and a solenoid 38 operated valve 26 having a moveable cylindrical armature piston 44. The solenoid valve has a solenoid coil 40 that surrounds a cylindrical sleeve 42. The cylindrical sleeve 42 slideably receives the cylindrical armature piston 44. Upper and lower closure members 54, 46 are held in place on opposite ends of the cylindrical armature piston 44 by upper and lower clamping plates, 58, 60 clamped together by elongated bolts 62.

The examiner's characterization of Sailors' cylindrical sleeve as a metallic cover is incorrect because Sailors' sleeve is enclosed by the solenoid coil rather than the solenoid coil being enclosed by the sleeve. Furthermore, Sailors' cylindrical sleeve is not comprised of a clamping plate (alleged metallic hood) and a closure member (alleged metallic base). Instead, the cylindrical sleeve is a stand alone structure, with the lower closure member being "inserted into the lower or outlet end of the cylinder formed by the sleeve 42," *Sailors* (column 3, lines 35-36), and the upper clamping plate cooperating with the lower clamping plate to hold the upper and lower closure members in place. *Id.* (column 3, lines 40-46). Still further, the examiner's characterization of Sailors' upper clamping plate as a metallic hood is incorrect because the upper clamping plate is situated adjacent the upper surface of Sailors' solenoid rather than enclosing the solenoid in a metallic hood. Similarly, the examiner's characterization of Sailors' lower closure member as a metallic base is incorrect because the lower closure member does not engage a metallic hood to lock a metallic cover around Sailors' solenoid. Finally, there is no disclosure in Sailors, including those portions cited by the examiner, that the cylindrical sleeve, clamping plates, closure members, or any other such structures are arranged to intensify a magnetic field.

As discussed above, Sailors and Privas do not disclose or suggest a metallic locking cover means enclosing a solenoid valve and arranged to intensify a magnetic field, wherein the metallic locking means comprises a metallic hood engaged with a metallic base. Thus, Sailors and Privas do not teach or suggest all of the limitations of claims 1 and 13. Therefore, applicants

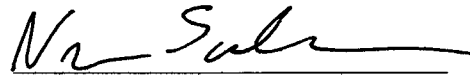
respectfully request reconsideration and removal of the rejection of claims 1 and 13, and claims 2-6, 8-11, and 14-17 dependent thereon, and allowance thereof.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and allowance thereof are respectfully requested.

Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Sincerely,



Nicholas P. Schmidbauer

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